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FEDERAL COMMUNICATIONS COMMISSION  
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IN REPLY REFER TO:

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Honorable Gary A. Condit  
U.S. House of Representative  
1123 Longworth House Office Building  
Washington, D.C. 20510-0518

DOCKET FILE COPY ORIGINAL

Dear Congressman Condit:

Thank you for your July 19, 1994 letter on behalf of Mr. Tom Sawyer, Sheriff-Coroner of Merced County, California regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. For example, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely,

*Robert W. Spangler / RWS*  
Robert W. Spangler  
Deputy Chief (Policy)  
Enforcement Division  
Common Carrier Bureau

Enclosures

**GARY A. CONDIT**  
18TH DISTRICT, CALIFORNIA

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**Congress of the United States  
House of Representatives  
Washington, DC 20515-0518**

July 19, 1994

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94012352

Ms. Lauren Belvin  
Acting Director  
Office of Legislative Affairs  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C., 20554

Dear Ms. Belvin:

I have been contacted by Sheriff Tom Sawyer, Merced County, regarding his grave concerns with the Federal Communications Commission's inclusion of local jails to the "billed party preference" or BPP.

I would appreciate your assistance in looking into this matter on behalf of my constituent. Please respond to my Legislative Assistant, Joel Perez, at 1123 Longworth HOB, Washington, DC 20515 - (202) 225-6131.

Sincerely,

GARY A. CONDIT  
Member of Congress

GAC/jp



# Merced County Sheriff's Department

700 W. 22ND STREET  
MAILING ADDRESS: 2222 "M" STREET  
MERCED, CALIFORNIA 95340  
TELEPHONE (209) 385-7360  
FAX (209) 385-7659



TOM SAWYE  
Sheriff-Coroner

HENRY STRENG  
Assistant Sheriff  
Operations

MIKE RAYMOND  
Assistant Sheriff  
Corrections

July 12, 1994

The Honorable Gary Condit  
United States Representative  
1123 Longworth Building  
Washington, DC 20515

Dear Congressman Condit:

As a California Sheriff, member of the California Board of Corrections, and a Jail Administrator, I am asking for your help. It is very important to me and my agency that the Federal Communications Commission exclude local jails from the proposed "billed party preference" (B.P.P.) system for O+ Inter LATA payphone traffic rules.

It is obvious that the F.C.C. does not fully understand the impact their action will have on jails and prisons. Our phone systems were designed for the jail and prison environment and work well for us in meeting our security needs and generating much needed revenue.

As you are aware, many California Counties are in a state of fiscal crisis and my County, Merced, is hanging on by a thread. Another unfunded mandate will only make the situation worse. Our telephone systems are not a luxury, they are required to meet regulations and to comply with the law as interpreted by many courts. If the providers who install and maintain our phones cannot make a profit, their only choice is to pull out. We would be forced to spend scarce tax dollars to provide some kind of limited service which would not be as secure or efficient as what we have now.

Merced County is one of many who can ill afford to spend our limited resources on phones when what we need is officers. You must remember that all of our callers are charged with a crime and many are convicted criminals - this is not the general public.

We vigorously oppose Federal interference with our ability to manage and control our inmate phone usage.

Additionally, another reason is money, costs and revenues. California counties are in fiscal trouble. There are no funds to provide our current level of service at taxpayer expense. If current providers pull their equipment, we would be unable to replace it resulting in drastically reduced availability of telephones to our inmates.

The Honorable Gary Condit  
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The revenues from our inmate telephone system could not be replaced. Local government does not have the funds to pay for the many programs financed with these revenues.

These funds provide adult education, GED programs, basic literacy and job training classes, substance abuse and family counseling, English as a second language classes, and Chaplains and religious services. We purchase recreation and exercise equipment and even build classrooms and fund libraries and law libraries. We also pay the staff who supervise and manage these programs.

Without telephone revenues all of these programs would end. These are not just programs for the inmates, the education, training and counseling they provide helps these people become productive, law abiding individuals rather than a burden to the taxpayers.

The security provided by our current systems is designed to prevent fraud and abuse, as well as provide critical management information to jail administrators.

These systems alert the recipient of the call and that the caller is an inmate. This is very important if you are a victim, a witness, or a small business who is about to be taken in and scammed. We can block calls to specific numbers to protect the public. We would lose these safeguards.

We can currently control the length of calls and the hours of phone availability which helps in maintaining order and discipline. We would lose these benefits.

We would lose the ability to rapidly determine when, where and to whom calls were placed. This is valuable information in the event of escapes or the smuggling of contraband which often involves help from the outside.

The revenue from our phone systems provide facilities and services that would be difficult, if not impossible, to replace with local tax dollars. Even basics such as supplying indigent inmates with tooth brushes, tooth paste, razors, combs and writing material could no longer be paid for out of this revenue which means it would have to come from scarce tax dollars. These programs do not coddle inmates, they provide basic necessities and a chance to turn one's life around.

The loss of our phone revenues would mean Merced County, and many others, could no longer afford to provide these services and programs.

As you can see, B.P.P. sounds good for the general public but it does not fit jails. Inmates require more security and control and the revenues generated are critical to safe and efficient jail operations.

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Please help me convince the F.C.C. to exclude local jails from the proposed B.P.P. system. The survival of our basic services and programs depends upon it. These revenues are our primary and, in come cases, the sole source of program funds.

I would appreciate any help that you could provide.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Sawyer". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Tom Sawyer, Sheriff-Coroner

TS:cvg

cc: California State Sheriff's Association  
Senator Dianne Feinstein  
California Board of Corrections  
Federal Communications Commission